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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,115	12/03/2003	John Warner Jarman	U 014927-8	4416
7590 09/20/2004				
Ladas & Parry 26 West 61 Street New York, NY 10023			EXAMINER NGUYEN, HOANG M	
			ART UNIT 3748	PAPER NUMBER

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/727,115	JARMAN, JOHN WARNER	
	Examiner	Art Unit	
	Hoang M Nguyen	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1 and 5-11 is/are rejected.
 7) ☒ Claim(s) 2-4 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's amendment dated August 16, 2004, has been fully considered.

1) Applicant has argued that Berchtold does not disclose a plurality of chambers, but only one continuous chamber, Applicant pointed out that the chambers called by the Examiner are simply "grooves" formed by wall 2. The Examiner is very surprised about this argument. Applicant's attention is directed to figure 2 of this application, all chambers 1 in this invention are connected to a continuous chamber 10, and the chambers 1 are separated by each other by walls. Now, Berchtold teaches two different types of walls in his invention: 1) the walls 2 as already pointed out by Applicant, and 2) the tubes 49 and element 49 also divided the chamber into many small chambers. If Applicant argued that the chamber in Berchtold is one continuous chamber, then the chambers 1 in his application may not be called many chambers because they are all connected to chamber 10. Claim language must be interpreted as broad as possible.

2) Applicant has argued that line 83 of Ritzi is connected to a pump. The Examiner agrees. However, that fluid from the pump is then pressurized by the pump into the nozzles and the chambers, please note figure 4 of Ritzi for the flow diagram of working fluid. Because the fluid is flowing from the condenser to the nozzles and chambers, the claim language is met. The fact that the fluid flows through the pump does not negate the fact that Ritzi teaches the claimed invention.

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For the reasons set forth above, this rejection is made non-final. Newly added claim 12, which includes broaden elements from claim 1 as noted by Applicant, is inherently rejected under this final rejection.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7, 11-12, are rejected under 35 U.S.C. 102(b) as being anticipated by US 3769796 (Bechtold).

Bechtold discloses a rotary Rankine cycle comprising a turbine T and a condenser C, a plurality of chambers formed by walls (2, 3, 4) having liquid/vapor inside, passageways 49 for communicating fluid between the chambers and the condenser to rotate the turbine T.

Claims 1, 5-7, 11-12, are rejected under 35 U.S.C. 102(b) as being anticipated by US 4258551 (Ritzi).

Ritzi discloses a rotary cycle comprising a turbine 24 and a condenser CC, a plurality of chambers formed around nozzles 42, 85 having liquid/vapor inside, passageways 79, 83, for communicating fluid between the chambers and the condenser to rotate the turbine 24.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 3769796 (Bechtold). Bechtold discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the offset positions of the condensers as claimed. However, it would have been obvious at the time the invention was made to a person having common knowledge in the art to locate the condenser of Bechtold at the offset positions as claimed for the purpose of ease of communicating the fluid to/from the condenser.

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-3477. The examiner can normally be reached on Monday--Thursday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (703)-308-2623. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.

A handwritten signature in black ink, appearing to read 'H.M. Nguyen', with a date '09/17/04' written below it.

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
9/17/04